

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

HARBANS SINGH,

Defendant.

NO. CR20-85-RAJ

UNOPPOSED MOTION FOR ENTRY OF  
DISCOVERY PROTECTIVE ORDER

NOTE ON MOTION CALENDAR:  
August 6, 2020

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and William Dreher, Assistant United States Attorney for said District, files this motion for entry of a discovery Protective Order. Defendant HARBANS SINGH, through his attorney Mo Hamoudi, has represented that he does not oppose this motion.

The indictment in this case charges two counts of fraud relating to an immigration document in violation of Title 18, United States Code, Section 1546, and two counts of making false statements to a federal officer or agency in violation of Title 18, United States Code, Section 1001. Out of an abundance of caution, the United States may provide as discovery in this case sensitive law enforcement information regarding the defendant's immigration file, including information about sensitive law enforcement techniques and databases. The government therefore seeks a discovery Protective Order for items containing sensitive information, including but not limited to information about sensitive law enforcement techniques.

1 Pursuant to Fed. R. Crim. P. 16(d)(1), this Court has wide discretion to direct the  
2 disclosure and dissemination of discovery materials. As the Rule provides, “[a]t any time  
3 the court may, for good cause, deny, restrict, or defer discovery or inspection, or grant  
4 other appropriate relief.” Fed. R. Crim. P. 16(d)(1). Disclosure of sensitive information  
5 about sensitive law enforcement techniques should be limited as set forth in the proposed  
6 discovery Protective Order to avoid the misuse of this information.

7 The government thus requests that the Protective Order allow the parties to list or  
8 mark, including in the title of the document, sensitive information as “Protected  
9 Material,” which then must be handled as set forth in the Protective Order. Specifically,  
10 such materials cannot be disseminated to anyone other than counsel and members of each  
11 defendant’s litigation and investigative team, which includes the attorneys of record in  
12 this case and their staff and any investigators, expert witnesses, and other agents that the  
13 attorneys of record retain in connection with this case. As proposed in the Protective  
14 Order, defense counsel and their litigation teams may show and display the items listed or  
15 marked as “Protected Material” to a defendant, but may not otherwise provide a copy of  
16 the Protected Material to a defendant or third parties to keep and maintain in their  
17 possession.

18 Under the Proposed Order, any Protected Material that is filed with the Court in  
19 connection with pre-trial motions, trial, sentencing, or other matter before this Court,  
20 shall be filed under seal and shall remain sealed until otherwise ordered by this Court.  
21 This does not entitle any of the parties to seal their filings as a matter of course. The  
22 parties will be required to comply in all respects with the relevant local and federal rules  
23 of criminal procedure pertaining to the sealing of court documents.

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1 For these reasons, the United States respectfully requests that the Court enter the  
2 proposed Discovery Protective Order.

3 DATED this 6th day of August, 2020.

4 Respectfully submitted,

5 s/ William Dreher

6 WILLIAM DREHER

7 Assistant United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the defendants.

*s/ Kathleen M. McElroy*  
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